

03/30/01
Jc803 U.S. PTO

PATENT
ATTORNEY DOCKET NO.: 053933-5008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

Jc979 U.S. PTO
09/821738
03/30/01

**TRANSMITTAL FOR A NEWLY EXECUTED ORIGINAL APPLICATION
UNDER 37 C.F.R. §1.53(b)**

This is a request for filing a patent application under 37 C.F.R. §1.53(b) for:

Inventors: Ichiro MORISHITA and Mitsuhiro TOGASHI

For: DYNAMIC CONTROL DIFFRACTION GRATING, INFORMATION
READ/WRITE APPARATUS AND INFORMATION READ APPARATUS

1. This is a new ☒ **Utility** ☐ **Design** ☐ **Plant** patent application.
2. The papers enclosed to obtain a filing date are as follows:

| | |
|-----------|--|
| <u>47</u> | Pages of Specification including |
| <u>0</u> | Title Page |
| <u>11</u> | Pages of Claims |
| <u>1</u> | Page of Abstract |
| <u>3</u> | Sheets of drawings containing <u>5</u> Figures |

☐ The enclosed drawing(s) are photograph(s), and there is also attached a
PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)
3. Combined Declaration and Power of Attorney

| | |
|-------------------------------------|--|
| <input type="checkbox"/> | Enclosed and is executed by all inventors. |
| <input checked="" type="checkbox"/> | Not Enclosed. |

This application is being filed under the provisions of 37 C.F.R. §1.53(f).
Applicants await notification from the Patent and Trademark Office of the time
set for filing the Declaration and paying the filing fees.

4. Language

☒ English☐ Non-English

This application is being filed in accordance with 37 C.F.R. §1.52(d) and §608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

5. Assignment

☐ An assignment of the invention to SAMSUNG ELECTRO-MECHANICS CO., LTD. and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

☒ An assignment will be filed at a later date.

6. Priority - foreign applications under 35 U.S.C. §119(a)-(d) or §365(b) or PCT international applications under 35 U.S.C. §365(a) designating at least one country other than the U.S.

☒ Priority of the following foreign application is claimed:

| Country | Application No. | Filed |
|---------|-----------------|-------------------|
| Japan | 2000-266251 | September 1, 2000 |
| | | |

Certified copy: ☐ is attached. ☒ will follow.

7. Priority based on provisional application(s) - 35 U.S.C. §119(e)

☐ Priority of the following provisional application(s) is claimed:

| Application No. | Filed |
|-----------------|-------|
| | |
| | |

A. Relate Back - 35 U.S.C. §119(e)

☐ Amend the specification by inserting before the first line the sentence:
 "This application claims priority of copending provisional application(s)
 No. _____ filed on _____."

8. Small entity status

☐ A statement claiming small entity status under 37 C.F.R. §§1.9 and 1.27 is enclosed.

9. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS FOR FEE CALCULATION | | | | |
|--|--------------|--------------|----------------|--|
| | Number Filed | Number Extra | at Rate of | Basic Fee Utility \$710.00 Design \$320.00 |
| Total Claims (37 C.F.R. §1.16(c)) | 26 - 20 = | 6 | \$ 18.00 each= | \$108.00 |
| Independent Claims (37 C.F.R. §1.16(b)) | 8 - 3 = | 5 | \$ 80.00 each= | \$400.00 |
| Multiple dependent claim(s), if any (37 C.F.R. §1.16(d)) | | | \$270.00 | + |
| SUB-TOTAL = | | | | \$1218.00 |
| Reduction by 1/2 for filing by a small entity | | | | - \$ |
| TOTAL FILING FEE = | | | | \$1218.00 |

10. Fee Payment

☒ Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**

This application is being filed under the provisions of 37 C.F.R. §1.53(f).
 Applicants await notification from the Patent and Trademark Office of the time
 set for filing the Declaration and paying the filing fees.

☐ Enclosed.

Two checks in the amounts of \$_____ and \$40.00 representing the basic filing fee of \$710.00 and an assignment recording fee of \$40.00 is/are enclosed.

11. ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

12. Additional papers enclosed:

- ☐ Preliminary Amendment
☐ Information Disclosure Statement
☐ Form PTO-1449, ___ document included
☐ Declaration of Biological Deposit
☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Please accord this application an application number and filing date.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Robert J. Goodell

Reg. No. 41,040

Dated: March 30, 2001

Customer No. 009629

MORGAN, LEWIS & BOCKIUS LLP

1800 M Street, N.W.

Washington, D.C. 20036

(202) 467-7000